

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening whenever an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

OFFICE OF ADMINISTRATIVE HEARINGS

1. **Title and its heading:** 2, Administration
Chapter and its heading: 19, Office of Administrative Hearings
Articles and their headings: 1, Prehearing and Hearing Procedures
Section numbers: R2-19-101 through R2-19-122
2. **The subject matter of the proposed rule:**
These rules will state the procedures to be used by the Office of Administrative Hearings to conduct hearings.
3. **A citation to all published notices relating to the proceeding:**
Notice of Rulemaking Docket Opening: 2 A.A.R. 1662, June 13, 1997
Notice of Proposed Rulemaking: 4 A.A.R. 2596, September 18, 1998
4. **The name and address of agency personnel with whom a person may communicate regarding the rule:**
Name: Cliff J. Vanell
Address: 1700 West Washington, Suite 602
Phoenix, Arizona 85007
Telephone: (602) 542-9826
Fax: (602) 542-9827
5. **The time during which written submission may be made and the time and place where oral comments may be made:**
Written comments may be submitted until 5 p.m., October 19, 1998. An oral comment proceeding has been scheduled as follows:
Date: October 19, 1998
Time: 9 a.m.
Location: 1700 West Washington, Suite 602
Phoenix, Arizona 85007
6. **A timetable for agency decisions or other action in the proceeding:**
To be determined.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF PHARMACY

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 23, Board of Pharmacy
Articles and their headings: 2, Pharmacist Registration
Section numbers: R4-23-205
2. **The subject matter of the proposed rule:**
This rulemaking is part of the Computer Requirements rule noticed in the docket opening published in 2 A.A.R. 3043, May 31, 1996, and 3 A.A.R. 2974, October 24, 1997. In the original docket opening, Section R4-23-408 was noticed. In the 2nd docket opening, Section R4-23-110 was noticed. During continued drafting of the rule, it was discovered that the fee for computer system certification was left out. This docket opening for Section R4-23-205 inserts the necessary fee to achieve the objective of the computer requirement rule.
The agency docket number, if applicable:
R9601

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3. **A citation to all published notices relating to the proceeding:**
Notice of Docket Opening: 2 A.A.R. 3043, May 31, 1996
Notice of Docket Opening: 3 A.A.R. 2974, October 24, 1997
4. **The name and address of agency personnel with whom a person may communicate regarding the rule:**
Name: Dean Wright, Compliance Officer
Address: Arizona Board of Pharmacy
5060 North 19th Avenue, Suite 101
Phoenix, Arizona 85015
Telephone: (602) 255-5125, Ext. 131
Fax: (602) 255-5740
5. **The time during which written submission may be made and the time and place where oral comments may be made:**
The Board will accept written comments Monday through Friday, 8 a.m. to 5 p.m. Oral comments can be made as follows:
Time: Monday through Friday, 8 a.m. to 4:30 p.m.
Location: Arizona Board of Pharmacy
5060 North 19th Avenue, Suite 101
Phoenix, Arizona 85015
Nature: Oral comments
Written and oral comments will be accepted until the close of record on a date and time not yet determined.
6. **A timetable for agency decisions or other action in the proceeding:**
Not yet determined.

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1. **Title and its heading:** 18, Environmental Quality
Chapter and its heading: 4, Department of Environmental Quality - Safe Drinking Water
Articles and their headings: 1, Definitions
2, Maximum Contaminant Levels Monitoring Requirements; Monitoring Assistance Program
Section numbers: R18-4-101, R18-4-104, R18-4-120, R18-4-122, R18-4-206, R18-4-212, R18-4-216, R18-4-219, R18-4-224, R18-4-225, R18-4-226, R18-4-401, R18-4-402, R18-4-404, and R18-4-405
2. **The subject matter of the proposed rule:**

The purpose of this rulemaking is to implement a monitoring assistance program authorized in A.R.S. § 49-360, passed during the 1998 legislative session. This program will provide for the collection, transportation and analysis of certain baseline samples from public water systems in a frequency sufficient to keep the systems in compliance with the federal Safe Drinking Water Act requirements. A.R.S. § 49-360 requires that the Arizona Department of Environmental Quality (ADEQ) contract with 1 or more private parties or statewide nonprofit organizations representing water systems to implement the monitoring assistance program, subject to available funding. The rules will also establish fees to support the program.

During the 1997 legislative session, the Arizona Legislature passed A.R.S. § 49-360 which authorized the ADEQ to establish a centralized monitoring program to assist public water systems in complying with the monitoring requirements under the Federal Safe Drinking Water Act (SDWA). The docket opening for that rulemaking was published in the June 20, 1997 edition of the Arizona Administrative Register. The Department proposed and adopted rules which were heard before the Governor's Regulatory Review Council (Council) on April 7, 1998. The Council tabled action on the rulemaking for up to 90 days to allow ADEQ to have further dialogue with interested parties regarding issues raised at the Council meeting.

While the rules were tabled, the Arizona legislature again considered the centralized monitoring program and ADEQ began dialogue with stakeholders at the legislature. As a result, the legislature passed HB 2231 requiring ADEQ to establish the monitoring assistance program through rulemaking. The rulemaking which had been tabled by GRRC was withdrawn and terminated, and the Notice of Proposed Rulemaking for the monitoring assistance program rulemaking was proposed and published in the July 17, 1998 *Arizona Administrative Register (Register)*.

ADEQ held 5 informal meetings around the state during July and August to discuss with stakeholders the proposed rule to establish the monitoring assistance program. ADEQ also held 1 oral proceeding at ADEQ on August 24, 1998 to receive comments

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and the close of record was scheduled for August 28, 1998. However, in the interim, ADEQ discovered a flaw in the notice of this rulemaking. The Notice of Docket Opening had not been published in the *Register* as required by the Administrative Procedures Act.

To cure this flaw, ADEQ filed 3 documents, simultaneously, with the Office of the Secretary of State (SOS) for publication in the September 18, 1998 *Register*. ADEQ filed a notice to terminate the Notice of Proposed Rulemaking which appeared in the July 17, 1998 *Register*. ADEQ also filed this Notice of Docket Opening and a Notice of Proposed Rulemaking. The rule text which appears in this Notice of Docket Opening is exactly the same as that which appeared in the July 17, 1998 *Register*. Only the preamble was modified to explain the 3 filings with the SOS, to provide for 1 oral proceeding on October 19, 1998 at ADEQ, and to comply with requirements of the Arizona Administrative Procedures Act. ADEQ has filed this docket opening in accordance with the requirements of A.R.S. § 41-1021.

3. A citation to all published notices relating to the proceeding:

Notice of Docket Opening: 3 A.A.R. 1691, June 20, 1997

Notice of Proposed Rulemaking: 3 A.A.R. 3396, December 5, 1997

Notice of Termination of Rulemaking: 4 A.A.R. 1872, July 17, 1998

Notice of Proposed Rulemaking: 4 A.A.R. 1872, July 17, 1998

Notice of Termination of Rulemaking (this issue of the Register): 4 A.A.R. 2625, September 18, 1998

Notice of Proposed Rulemaking (this issue of the Register): 4 A.A.R. 2603, September 18, 1998

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Margaret McClelland or Martha Seaman

Address: Department of Environmental Quality
3033 North Central Avenue
Phoenix, Arizona 85012

Telephone: (602) 207-2222

Fax: (602) 207-2251

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Department will accept written comments during a public comment period, which will close at 11 a.m. on October 19, 1998. An oral proceeding will be held on October 19, 1998, at 8 a.m. at ADEQ, 3033 North Central Avenue, Room 1710, Phoenix, AZ 85012.

6. A timetable for agency decisions or other action on the proceeding, if known:

It is anticipated that the rulemaking will be filed with the Office of the Secretary of State, for publication in the September 18, 1998, issue of the Register. It is anticipated that the final rulemaking will be heard at the December 1, 1998, Council Meeting.